

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MAFCOTE, INC.	:	CASE NO. C-1-02-411
Plaintiff	:	Judge Sandra S. Beckwith (Hogan, M.J.)
vs.	:	
CONTINENTAL CASUALTY INSURANCE COMPANY	:	PLAINTIFF'S MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION IN LIMINE
Defendant	:	

Defendant has sought to object to plaintiff's use of certain individuals as expert witnesses. Essentially, plaintiff does not intend to utilize the testimony of any expert witness. Accordingly, plaintiff hereby withdraws the name of Thomas Cochran as an expert witness.

As for the other identified witnesses, Miles Hisinger, Mary Lynn Lage, CPA and Earl Rynston, plaintiff does intend to call these individuals as fact witnesses. Hisinger and Lage are employees of plaintiff and have direct knowledge of facts pertaining to plaintiff's claim. Rynston is an insurance broker for plaintiff and, again, has direct knowledge of certain facts pertinent to plaintiff's claim. However, none of these three individuals is being offered at trial as an expert witness but only as a fact witness.

/s/ James M. Moore  
James M. Moore (#0009476)  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been transmitted by regular U.S. Mail to John C. Scott, Esq. Faulkner & Tepe, LLP, 2200 Fourth & Vine Tower, Cincinnati, OH 45202; and Frederick R. Mindlin, Esq., Mound, Cotton, Wollan & Greengrass, One Battery Park Plaza, New York, New York 10004-1486 this 22<sup>nd</sup> day of March, 2004.

/s/ James M. Moore

James M. Moore  
Attorney at Law